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Remarks/Arguments

DEC 01 2008

In the non-final Office Action dated September 2, 2008, it is noted that claims 1 – 35 are pending in the application.

Claims 1, 12, 18, 21, 25, 29, 30, 32 and 34 are independent.

In the present amendment, claims 1, 4, 9, 12 – 14, 16, 18, 19, 21, 25, 29, 30 and 32 are amended to more clearly and distinctly claim the subject matter that Applicants regard as the invention. The specification is also amended. No new matter is added.

Objection to the Specification for failing to provide proper antecedent basis for the claimed subject matter

In the present amendment, the specification is amended to obviate this objection. The support for the amendment may be found in Applicants' claims 21 – 24 listed on page 14 of the original specification. The amendment to the specification is fully disclosed in the claims 21 – 24 as originally filed and which may be relied upon to show support for the claimed invention. No new matter is added. Withdrawal of the objection to the specification is respectfully requested.

Objection to the Claims

Claims 1 – 35 are objected to because of a number of informalities. In the present amendment, claims 1, 12, 14, 21, 25, 29, 30 and 32 are amended to obviate these claim objections. No new matter is added. Withdrawal of the objection to claims 1 – 35 is respectfully requested.

Rejection of claims 9, 12 – 17, 18 – 20, 25 – 28, 30 and 31 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

In the present amendment, claims 9, 12, 18, 25 and 30 are amended to obviate this rejection. No new matter is added. Withdrawal of the rejection of claims 9, 12 – 17, 18 – 20, 25 – 28, 30 and 31 under 35 U.S.C. 112, second paragraph, is respectfully requested.

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Rejection of claims 12 – 17 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter

In the Office Action, page 3, it is argued by the Office that “system for facilitating the transmitting ...” and “means for generating a proxy ... and means for transmitting the proxy ...” are interpreted as computer program, component, file per se; and that claim 12 fails to recite the “system” as stored on an appropriate computer readable device, which defines structural and functional interrelationships between the software and other components of a computer that permit the software’s functionality to be realized. Applicants respectfully disagree with such interpretation.

Applicants submit that 35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language “shall be construed to cover the corresponding structure, material or acts described in the specification and equivalents thereof.” For example, in one embodiment the “means for generating a proxy” may be realized by a mobile device or a content provider web server (see, Applicants’ specification, page 4, lines 1 – 3). Applicants submit that the mobile device or the content provider web server provides sufficient structural and functional relationship to realize the proxy generating functionality. Therefore, the claimed invention as recited in claims 12 – 17 is directed to statutory subject matter. Withdrawal of the rejection of claims 12 – 17 under 35 U.S.C. 101 is respectfully requested.

Rejection of claims 1 – 11 under 35 U.S.C. 102(b) as being anticipated by Crosbie, US 2002/0085719 A1

Applicants submit that for at least the following reasons, claims 1 – 11 are patentable over Crosbie.

For example, claim 1, in part, requires:

“A system for obtaining at least one content file requested by a content user from at least one content provider for remote site

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downloading at an access point and delivering the at least one content file after arrival of the content user at the access point."

In the Office Action, it is alleged that Crosbie, paragraph [0036], discloses the above claimed feature. Applicants respectfully disagree. Applicants submit that Crosbie, paragraph [0036], apparently only discloses that the access point 24 connecting to the roaming server 22 also connects with each mobile device 26. There is nothing in Crosbie's paragraph [0036] that discloses the obtaining or delivering of content files, or the above claimed feature: A system for obtaining at least one content file requested by a content user from at least one content provider for remote site downloading at an access point and delivering the at least one content file after arrival of the content user at the access point.

In addition, claim 1, in part, also requires:

"means to download the at least one content file from the at least one content providers over the data network upon receipt of a proxy."

In the Office Action, it is alleged by the Office that Crosbie (Fig. 2, Roaming server 22 and communication interface 44, where base station connects to a server), discloses the above claimed feature. Applicants respectfully disagree. As disclosed in Crosbie, paragraph [0051], the communication interface 44 of the Roaming server 22 only provides communications with another device. Nothing in Fig. 2 or the cited sections in Crosbie, teaches or suggests that a proxy is received by a cache server, and even less that the cache server downloading the content file upon the receipt of a proxy. Since the roaming server provides access point connectivity for the mobile device, the mobile device may request download directly from the content provider and there is no need to send any proxy to the roaming server. Therefore, contrary to what was stated in the Office Action, Crosbie's paragraph [0051] fails to disclose the claimed feature: means to download the at least one content file from the at least one content providers over the data network upon receipt of a proxy.

Furthermore, claim 1, in part, requires:

"means to store the at least one downloaded content file."

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In the Office Action, it is alleged by the Office that Crosbie (Fig. 2, Database device 42 for storage and Paragraph [0049]) discloses the above claimed feature. Applicants respectfully disagree. As disclosed in Crosbie, paragraph [0049], the database 42 provides storage for service level data or session data. However, the service level data indicates the quality of service for the user (e.g., paragraph [0038]); it is not the content file. Session data concerns the characteristics of the connection (e.g., paragraph [0016]), but it is not the content file. There is nothing in the cited sections of Crosbie that teaches or suggests that the database stores the content file or the claimed feature: means to store the at least one downloaded content file.

Moreover, claim 1, in part, also requires:

"means to locally deliver at the access point the at least one stored content file to the content user which requested the content file."

In the Office Action, it is alleged by the Office that Crosbie (Paragraphs [0049] and [0051] where wireless mobile coverage local area network (LAN) 34 to the access points 24) discloses the above claimed feature. Applicants respectfully disagree. Paragraphs [0049] and [0051] disclose the server level data and session data in the database and the network connections over the LAN to the access points. Applicants submit that nothing in these paragraphs of Crosbie teaches or suggests that the content file is delivered to the content user locally at the access point or the claimed feature: means to locally deliver at the access point the at least one stored content file to the content user which requested the content file.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Crosbie. Claims 2 – 11 are also patentable at least because they depend from claim 1. Withdrawal of the rejection of claims 1 – 11 under 35 U.S.C. 102(b) is respectfully requested.

Rejection of claims 12 – 35 under 35 U.S.C. 102(b) as being anticipated by Kivipuro et al. (hereinafter Kivipuro), US Pub No: 2002/0062361 A1

Applicants submit that for at least the following reasons, claims 12 – 35 are patentable over Kivipuro.

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For example, claim 12, in part, requires:

"means for generating a proxy that identifies the content file, content provider, and content user."

In the Office Action, it is alleged that Kivipuro (Paragraphs [0051] and [0052]) discloses the above claimed feature. Applicants respectfully disagree. Kivipuro, paragraph [0051], discloses that a content packet may contain address definition of internet terminal servers through which the wireless device can be coupled to the Internet. However, contrary to the assertion made by the Office, the content packet does not contain any information about the content file or the content provider.

Furthermore, Applicants submit that this content packet is not a proxy. Kivipuro, paragraph [0010], discloses that "The invention is based on the idea that contents are formed as content components, of which one or more content packets are formed for a wireless communication device, containing information that is integrally related to the content components as well as system information e.g. for adapting the content components of a content packet to be suitable for the content packet and the properties of the wireless communication device to be used at a time, in a way required by the content packet to be loaded at the time and the properties of the wireless communication device used." Clearly, the content packet is part of the content file to be downloaded in a wireless device, and thus the content packet cannot serve as a proxy. Therefore, paragraphs [0051-0052] of Kivipuro fail to disclose the claimed invention: means for generating a proxy that identifies the content file, content provider, and content user.

Furthermore, claim 12, in part, requires:

"means for transmitting the proxy to the a cache server at an access point,"

In the Office Action, it is alleged that Kivipuro (Paragraph [0051]) discloses the above claimed feature. Applicants respectfully disagree. As discussed above, the content packet is not the proxy as claimed. Although paragraph [0051] discloses that the user couples to Internet data network via a terminal server of a local service provider, it does not teach or suggest transmitting the proxy to the terminal server, or

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the claimed feature: means for transmitting the proxy to the a cache server at an access point.

In view of at least the foregoing, Applicants submit that claim 12 is patentable over Kivipuro.

Independent claims 18, 21, 25, 29, 30, 32 and 34 each contains distinguishing features similar to those discussed above with respect to claim 12. For example,

Independent claim 18, in part, requires:

"means in the cache server for receiving and decoding a proxy containing parameters comprising an identification of the content file to be downloaded and the Internet address of the content provider."

Independent claim 21, in part, requires:

"providing a proxy that facilitates the downloading of a content file to a cache server from a remote content provider over the Internet using Internet protocol; and

transmitting the proxy to a cache server capable of using the proxy to download the content file from the remote content provider over the Internet and later transfer the downloaded content file to the client device."

Independent claim 25, in part, requires:

"upon receipt at a cache server of a message which identifies a request for the at least one content file ordered by the at least one content user prior to the at least one content user being present at the access point hot spot, downloading the at least one content file from the content server."

Independent claim 29, in part, requires:

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"receiving at an access point wireless network an authenticated download order for a content file request from the content user mobile device."

Independent claim 30, in part, requires:

"ordering over the first network the content file from the remote content provider server at the first time for downloading at the selected access point;

sending order identification data comprising a URL of the content file and a session specific cookie to the access point; responsive to reception of the order identification data at the selected access point."

Independent claim 32, in part, requires:

"providing a proxy that facilitates the downloading of the content file from the content provider server;

transmitting the proxy to a cache server at an access point enabled to execute the proxy to download the content file from the remote content provider server."

Independent claim 34, in part, requires:

"programming in the mobile device which causes the mobile device, in response to content user input, to provide parameters to a cache server, the parameters including at least the identity of the content file to be downloaded and the identity of the content provider server and the cache server."

The above arguments for claim 12 apply similarly to claims 18, 21, 25, 29, 30, 32 and 34, and thus, these independent claims are also patentable over Kivipuro.

Claims 13 – 17, 19, 20, 22 – 24, 26 – 28, 31, 33 and 35 are also patentable at least because they respectively depend from claims 12, 18, 21, 25, 30, 32 and 34.

Withdrawal of the rejection of claims 12 – 35 under 35 U.S.C. 102(b) is respectfully requested.

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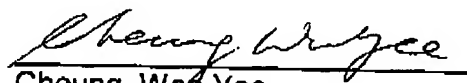
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Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6834, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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